

WILLIAM SELTZER and
FLOYDELL C. LIVINGSTON.

Plaintiffs,

VS.

CHARLES BRYSON, et al.,

Defendants.

Case No. 4:07CV01665 ERW

ORDER

This matter is before the Court upon William Seltzer’s and Floydell Livingston’s motion for leave to commence this action without payment of the required filing fee. See 28 U.S.C. § 1915(a).

Although plaintiffs have jointly filed a motion for leave to proceed in forma pauperis, they have not submitted certified copies of their prisoner account statements. Pursuant to 28 U.S.C. § 1915(a)(2), “[a] prisoner seeking to bring a civil action . . . without payment of fees . . . shall submit a certified copy of the trust fund account statement . . . obtained from the appropriate prison official.” Because the plaintiffs are within the custody of the St. Louis Medium Security Institute, they are prisoners within the meaning of the Act. See 28 U.S.C. § 1915(h). Therefore, the Court will order each plaintiff to submit a certified copy of his

inmate trust fund account statement so that it may consider their requests to proceed without payment of the filing fee.

Accordingly,

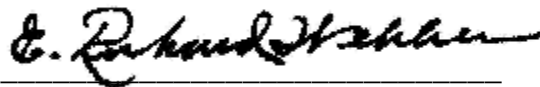
IT IS HEREBY ORDERED that plaintiffs' motion for leave to proceed in forma pauperis [Doc. #2] are **HELD IN ABEYANCE**.

IT IS FURTHER ORDERED that plaintiffs shall file certified copies of their inmate trust fund account statements for the six month period immediately preceding the filing of their complaint on September 24, 2007.

IT IS FURTHER ORDERED that if either plaintiff fails to submit a certified copy of his inmate trust fund account statement within thirty (30) days, the Court will dismiss this action as to that plaintiff without prejudice. See Rule 41(b) of the Federal Rules of Civil Procedure.

IT IS FURTHER ORDERED that if plaintiffs submit their inmate trust fund account statements within thirty days, the Clerk shall resubmit this action for review under 28 U.S.C. § 1915.

So Ordered this 18th Day of October, 2007.

A handwritten signature in black ink, appearing to read "E. Richard Webber", is written over a horizontal line.

E. RICHARD WEBBER
UNITED STATES DISTRICT JUDGE